

AMPCO.165A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Chen-Fa Hsieh

Group Art Unit 2362

Appl. No. : 09/605,282

Filed : June 28, 2000

For : DECORATIVE ALERT
SYSTEM

Examiner : D.W. Goins

7/8
Petition
PATENT
Special
Infringement
11-14-02

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102 AND M.P.E.P. § 708.02 (II)

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

RECEIVED
OCT 28 2002
OFFICE OF PETITIONS

Dear Sir:

Pursuant to 37 C.F.R. § 1.102 and M.P.E.P. § 708.02 (II), Applicant hereby petitions to make the above-captioned application (the "Application") special in order to advance its examination in the Patent and Trademark Office due to actual infringement of the Application.

Applicant's attorney contends and alleges in the accompanying ATTORNEY'S DECLARATION SUPPORTING PETITION TO MAKE SPECIAL that:

1. An infringing design that is identical to the design of the claims of the Application is being sold under the trademark Tireflys, as shown in the attached printout of a website advertising these products;

2. A rigid comparison of the alleged infringing design with the claims and drawings of the Application has been made;

3. In the Applicant's Attorney's opinion, the claims of the Application are unquestionably infringed;

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4. Applicant filed the Application with the Patent and Trademark Office and so caused a careful and thorough search of the prior art to be made, as reported in the Office Action mailed December 6, 2000;

5. The U.S. Patent and Trademark Office determined that the references most closely related to the subject matter encompassed by the claims were the Szaniszlo, Gelormino and Trimble references. These references are already of record.

Applicant submits herewith an Information Disclosure Statement including one copy of each of the references not previously cited during examination of the Application that are deemed to be closely related to the subject matter encompassed by the claims of the Application.

CONCLUSION

Applicant respectfully submits that all of the requirements of 37 C.F.R. § 1.102 and M.P.E.P. § 708.02 (II) to make the Application special have been satisfied and requests that this petition be granted.

A check in the amount of \$130.00 for payment of the fee under 37 C.F.R. § 1.17(h) is enclosed. Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410. A duplicate copy of this Petition is enclosed for this purpose.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 29 Oct. 2002

By: Daniel Altman
Daniel E. Altman
Registration No. 34,115
Attorney of Record
Customer No. 20,995
(949) 760-0404

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Chen-Fa Hsieh)
App. No. : 09/605,282)
Filed : 06/28/00)
For : DECORATIVE ALERT SYSTEM)
Examiner : D.W. Goins)

DECLARATION OF APPLICANT CHEN-FA HSIEH
IN SUPPORT OF PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

I, Chen-Fa Hsieh, do hereby declare as follows:

1. I am a Taiwan citizen, residing at No. 32, Alley 4, Lane 245, Section 2, San Min Road, Pan-Chiao, Taipei Hsien, Taiwan.
2. I am the applicant in the above-captioned matter.
3. I have invented certain new and useful improvements in a DECORATIVE ALERT SYSTEM, for which I have filed an application for Letters Patent in the United States, Application No. 09/605,282, filed on 06/28/00 (hereinafter "the Application").
4. I am informed that the Application became unintentionally abandoned for failure to file a timely and proper response to the Office Action mailed by the U.S. Patent & Trademark Office on 12/06/00, which set a 3-month period for response, and thus the abandonment date of

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App. No. : 09/603,282
Filed : 06/28/00

the Application is 3/07/01 (i.e., the day after the expiration of the date of the period set for response, plus any extensions of time obtained therefor).

5. I was unaware that the Application had become unintentionally abandoned. The entire delay in filing the required reply in the Application until the filing of a grantable "Petition for Revival of an Application for Patent Abandoned Unintentionally" under 37 CFR 1.137(b) was unintentional.

6. I am informed that the United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional. Upon request of the United States Patent and Trademark Office, I will provide whatever additional information may be required in that regard.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

Dated: OCT, 25, 2002

By: Chen-Fa Hsieh
Chen-Fa Hsieh
Applicant

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